

PART 3

NINTH CAUSE OF ACTION

Plaintiff alleges against the Defendants, Sheriff Anthony Clark; Jerry Wayne Edgar; Walter Inabinett, Black Creek Integrated Systems, Inc.; Seymour & Lisenby, Inc.; Darden Engineers, Inc.; Dickey & Associates, Inc.; and Covington County, as follows:

50. The Plaintiff adopts and incorporates by reference the relevant portions of paragraphs 1 through 49 above.
51. The Defendants, Sheriff Anthony Clark; Jerry Wayne Edgar; Walter Inabinett, Black Creek Integrated Systems, Inc.; Seymour & Lisenby, Inc.; Darden Engineers, Inc.; Dickey & Associates, Inc.; and Covington County, wantonly failed to train the employees of the Covington County jail facility responsible for maintaining order and overseeing all inmates incarcerated in the jail facility.
52. The Plaintiff avers that the wanton conduct of the Defendants Sheriff Anthony Clark; Jerry Wayne Edgar; Walter Inabinett, Black Creek Integrated Systems, Inc.; Seymour & Lisenby, Inc.; Darden Engineers, Inc.; Dickey & Associates, Inc.; and Covington County, was the actual and proximate cause of the death of Dennis Courtney.

WHEREFORE, the premises considered, the plaintiff demands judgment against the Defendants, Sheriff Anthony Clark; Jerry Wayne Edgar; Walter Inabinett, Black Creek Integrated Systems, Inc.; Seymour & Lisenby, Inc.; Darden Engineers, Inc.; Dickey & Associates, Inc.; and Covington County, separately and severally, in an amount which will adequately reflect the purpose

of the Alabama Wrongful Death Act and 42 U.S.C. § 1983 consistent with the culpability of the Defendant's conduct as may be determined by the jury, plus interest and costs, in excess of the minimal jurisdictional limits of this Court.

TENTH CAUSE OF ACTION

Plaintiff alleges against the Defendants, Sheriff Anthony Clark; Jerry Wayne Edgar; Walter Inabinett, Black Creek Integrated Systems, Inc.; Seymour & Lisenby, Inc.; Darden Engineers, Inc.; Dickey & Associates, Inc.; and Covington County, as follows:

53. The Plaintiff adopts and incorporates by reference the relevant portions of paragraphs 1 through 52 above.
54. The Defendants, Sheriff Anthony Clark; Jerry Wayne Edgar; Walter Inabinett, Black Creek Integrated Systems, Inc.; Seymour & Lisenby, Inc.; Darden Engineers, Inc.; Dickey & Associates, Inc.; and Covington County, wantonly failed to inspect the air conditioning ventilation system through which Defendant, Oscar Roy Doster escaped twice and was involved in the occurrence that made the subject matter of this Complaint.
55. The Plaintiff avers that the wanton conduct of the Defendants Sheriff Anthony Clark; Jerry Wayne Edgar; Walter Inabinett, Black Creek Integrated Systems, Inc.; Seymour & Lisenby, Inc.; Darden Engineers, Inc.; Dickey & Associates, Inc.; and Covington County, was the actual and proximate cause of the death of Dennis Courtney.

WHEREFORE, the premises considered, the plaintiff demands judgment against the Defendants, Sheriff Anthony Clark; Jerry Wayne Edgar; Walter

Inabinett, Black Creek Integrated Systems, Inc.; Seymour & Lisenby, Inc.; Darden Engineers, Inc.; Dickey & Associates, Inc.; and Covington County, separately and severally, in an amount which will adequately reflect the purpose of the Alabama Wrongful Death Act and 42 U.S.C. § 1983 consistent with the culpability of the Defendant's conduct as may be determined by the jury, plus interest and costs, in excess of the minimal jurisdictional limits of this Court.

ELEVENTH CAUSE OF ACTION

Plaintiff alleges against the Defendants, Sheriff Anthony Clark; Jerry Wayne Edgar; Walter Inabinett, Black Creek Integrated Systems, Inc.; Seymour & Lisenby, Inc.; Darden Engineers, Inc.; Dickey & Associates, Inc.; and Covington County, as follows:

56. The Plaintiff adopts and incorporates by reference the relevant portions of paragraphs 1 through 55 above.
57. The Defendants Sheriff Anthony Clark; Jerry Wayne Edgar; Walter Inabinett, Black Creek Integrated Systems, Inc.; Seymour & Lisenby, Inc.; Darden Engineers, Inc.; Dickey & Associates, Inc.; and Covington County, wantonly hired the person, firm or corporation responsible for adequate surveillance on the aforementioned premises at the time of the occurrence made the basis of this complaint.
58. The Plaintiff avers that the wanton conduct of the Defendants Sheriff Anthony Clark; Jerry Wayne Edgar; Walter Inabinett, Black Creek Integrated Systems, Inc.; Seymour & Lisenby, Inc.; Darden Engineers,

Inc.; Dickey & Associates, Inc.; and Covington County, was the actual and proximate cause of the death of Dennis Courtney.

WHEREFORE, the premises considered, the plaintiff demands judgment against the Defendants, Sheriff Anthony Clark; Jerry Wayne Edgar; Walter Inabinett, Black Creek Integrated Systems, Inc.; Seymour & Lisenby, Inc.; Darden Engineers, Inc.; Dickey & Associates, Inc.; and Covington County, separately and severally, in an amount which will adequately reflect the purpose of the Alabama Wrongful Death Act and 42 U.S.C. § 1983 consistent with the culpability of the Defendant's conduct as may be determined by the jury, plus interest and costs, in excess of the minimal jurisdictional limits of this Court.

TWELTH CAUSE OF ACTION

Plaintiff alleges against the Defendants, Sheriff Anthony Clark; Jerry Wayne Edgar; Walter Inabinett, Black Creek Integrated Systems, Inc.; Seymour & Lisenby, Inc.; Darden Engineers, Inc.; Dickey & Associates, Inc.; and Covington County, as follows:

59. The Plaintiff adopts and incorporates by reference the relevant portions of paragraphs 1 through 58 above.
60. The Defendants, Sheriff Anthony Clark; Jerry Wayne Edgar; Walter Inabinett, Black Creek Integrated Systems, Inc.; Seymour & Lisenby, Inc.; Darden Engineers, Inc.; Dickey & Associates, Inc.; and Covington County, wantonly installed the air conditioning ventilation system through which Defendants, Oscar Roy Doster and James Darren Harnage escaped twice.

61. The Plaintiff avers that the wanton conduct of the Defendants Sheriff Anthony Clark; Jerry Wayne Edgar; Walter Inabinett, Black Creek Integrated Systems, Inc.; Seymour & Lisenby, Inc.; Darden Engineers, Inc.; Dickey & Associates, Inc.; and Covington County, was the actual and proximate cause of the death of Dennis Courtney.

WHEREFORE, the premises considered, the plaintiff demands judgment against the Defendants, Sheriff Anthony Clark; Jerry Wayne Edgar; Walter Inabinett, Black Creek Integrated Systems, Inc.; Seymour & Lisenby, Inc.; Darden Engineers, Inc.; Dickey & Associates, Inc.; and Covington County, separately and severally, in an amount which will adequately reflect the purpose of the Alabama Wrongful Death Act and 42 U.S.C. § 1983 consistent with the culpability of the Defendant's conduct as may be determined by the jury, plus interest and costs, in excess of the minimal jurisdictional limits of this Court.

THIRTEENTH CAUSE OF ACTION

62. The Plaintiff adopts and incorporates by reference the relevant portions of paragraphs 1 through 61 above.

63. Plaintiff alleges against the Defendants, Oscar Roy Doster and James Darren Harnage as follows:

64. The tortious intentional battery and murder of Dennis Courtney.

WHEREFORE, the premises considered, the plaintiff demands judgment against the Defendants, Oscar Roy Doster and James Darren Harnage separately and severally, in an amount which will adequately reflect the purpose of the Alabama Wrongful Death Act and 42 U.S.C. § 1983 consistent with the

culpability of the Defendant's conduct as may be determined by the jury, plus interest and costs, in excess of the minimal jurisdictional limits of this Court.

FOURTEENTH CAUSE OF ACTION

Plaintiff alleges against the Defendants, Sheriff Anthony Clark; Jerry Wayne Edgar; and Walter Inabinett, as follows:

65. The Plaintiff adopts and incorporates by reference the relevant portions of paragraphs 1 through 64 above.
66. The Defendants, Sheriff Anthony Clark; Jerry Wayne Edgar; and Walter Inabinett wantonly and intentionally aided, abetted, and allowed Defendants Oscar Roy Doster and James Darren Harnage to escape by directly and indirectly providing financial and logistical support to the inmates.
67. The Plaintiff avers that the wanton and intentional conduct of the Defendants Sheriff Anthony Clark; Jerry Wayne Edgar; and Walter Inabinett was the actual and proximate cause of the death of Dennis Courtney.

WHEREFORE, the premises considered, the Plaintiff demands judgment against the Defendants, Sheriff Anthony Clark; Jerry Wayne Edgar; and Walter Inabinett separately and severally, in an amount which will adequately reflect the purpose of the Alabama Wrongful Death Act and 42 U.S.C. § 1983 consistent with the culpability of the Defendant's conduct as may be determined by the jury, plus interest and costs, in excess of the minimal jurisdictional limits of this Court.

Dated this 1 day of November 2006.

s\ Will G. Phillips
WILL G. PHILLIPS (PHI-044)
J. DAVID GREENE (GRE-081)
BRITT V. BETHEA (BET-012)

OF COUNSEL:

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PLAINTIFF RESPECTFULLY DEMANDS TRIAL BY JURY

s\ Will G. Phillips
WILL G. PHILLIPS